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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIK D. MENDOZA-CONTRERAS,

Defendant.

CASE NO. 1:22-CR-00074-JLT-SKO

STIPULATION TO CONTINUE CHANGE OF
PLEA HEARING; FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendants, by and through their counsel, hereby stipulate as follows:

1. By previous order, this matter was set for change of plea on August 12, 2024.
2. By this stipulation, the parties now move to continue the change of plea hearing to August 19, 2024, and to exclude time between August 12, 2024, and August 19, 2024, under 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports and related documents in electronic form, videos, photographs, and digital evidence. The government provided initial discovery and supplemental discovery.
 - b) Counsel for the government has a conflict on August 12, 2024, and is unavailable for the currently scheduled hearing.

1 c) Counsel desire additional time to finalize the plea agreement and prepare for the
2 change of plea hearing.

3 d) Counsel for defendant believes that failure to grant the above-requested
4 continuance would deny him the reasonable time necessary for effective preparation, taking into
5 account the exercise of due diligence.

6 e) The government does not object to the continuance.

7 f) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendants in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of August 12, 2024 to August 19,
12 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(i) and (iv)
13 because it results from a continuance granted by the Court at defendant's request on the basis of
14 the Court's finding that the ends of justice served by taking such action outweigh the best interest
15 of the public and the defendants in a speedy trial.

16 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
18 must commence.

19
20 IT IS SO STIPULATED.

21
22
23 Dated: July 3, 2024

PHILLIP A. TALBERT
United States Attorney

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25 /s/ Antonio J. Pataca
ANTONIO J. PATACA
26 Assistant United States Attorney
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1 Dated: July 3, 2024

/s/ *Nicholas Reyes*

NICHOLAS REYES

Counsel for Defendant

Erik D. Mendoza-Contreras

7 **FINDINGS AND ORDER**

8 IT IS SO FOUND

9
10 IT IS SO ORDERED.

11 Dated: **July 3, 2024**

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE